

**Idaho Pesticide Management Plan
Rule Making Technical Workgroup**

**Minutes of the December 4, 2003 Meeting
Idaho State Department of Agriculture**

Gary Bahr called the meeting to order at 9:00 am.

Those in attendance included:

Gary Bahr, ISDA
Cathy Parsons, ISDA
Rick Carlson, ISDA
Lance Holloway, ISDA
Craig Tesch, ISDA
George Robinson, ISDA
Ken Neely, IDWR
Tonia Mitchell, DEQ
Rick Huddleston, DEQ
Dee Carlson, NRCS
Sarah Weppner, IDHW
John Bokor, IRWA
Deb Parlman, USGS

Gary stated that the purpose of the Technical Workgroup is to help guide the Policy Committee in making decisions about the Pesticide Management Plan Rules. It will also provide technical support, and draft language for the Policy group's consideration. He foresees this as an at-least six-month long negotiated rule making process. There are no mandated dates for completion.

Gary reviewed the agenda and noted that additional information and documents under discussion are available through the State Department of Agriculture website (Water Quality Program, Ground Water, PMP Rule Development.)

Gary provided an overview of the draft PMP and noted that it is also available on the website. It was written following EPA Guidelines. Although Region X has reviewed and commented on the Plan, it will need to be updated and signed off by all the agencies involved and Region X. Gary will also need to work with the District Health Departments to clarify if all of them would be signatories or if they would have a representative signatory. He requested that each Agency representative (Idaho Department of Environmental Quality, Idaho Department of Water Resources, Idaho Soil Conservation Commission, University of Idaho Cooperative Extension Service, and USDA Natural Resources Conservation Service) review the document to ensure that it is

up to date and accurate. Comments and concerns should be relayed to him by January 7, 2004. And, he would like to get total sign-off by all involved agencies by this spring.

Gary also provided copies of other states' rules (Minnesota, Washington, Montana, and Wisconsin) for implementing their Pesticide Management Plans. He noted that Minnesota is the only state that includes surface water in their PMP. Some of the rules include prohibition areas and how those areas are created. These are "unofficial" copies from their websites. Gary asked workgroup members to keep these on hand to refer to when they are drafting Idaho's rules. Montana does have a chemical specific plan for Assert[®], however, it was noted that Idaho has not detected Assert[®] in ground water.

Definitions are available from the Idaho Pesticides and Chemigation Law and Rules along with those from DEQ and the other states previously listed.

Gary stated that the next step would be to put together some draft sections for the Policy Group consideration on December 16. He suggested that the Technical Committee meet again on December 11. He also suggested that the Department team could put together a skeleton framework and example language starting with the definitions to present to the Policy Group.

The goal is to finalize the plan and get EPA concurrence/sign off and get the rule developed for legislative consideration. Garrett Wright (EPA) and Gary will still need to meet on how to work out the sign offs, etc. Gary provided copies of the EPA comments on the draft Pesticide Management Plan.

Rick Huddleston (DEQ) discussed the DEQ Ground Water Rule. He stated that development began in the early 1990's and it was implemented in 1997. In response to a question on how the Rathdrum area fits into the "sole source" category and was included, he noted that it is included in State Law; therefore, it had to be included in the rule. He added that DEQ would be developing interpretive guidelines to address the "latitude" in current rules.

Catherine Eiden, EPA Office of Water in Washington, DC presented a slide presentation via telephone conference call explaining how Drinking Water Level of Comparison (DWLOC) (bench mark used in aggregate "drinking up"), Reference Doses (RfD), Maximum Contaminant Levels (MCLs) and Health Advisory Levels (HAL) are calculated and used. These are toxicological reference points in respect to drinking water rules.

RfDs reflect daily acceptable dose, which is calculated as either acute or chronic. Acute equals one day/one dose whereas chronic is an accumulation over a long period of time. This data has been obtained from animal studies—a dose at which no observable adverse effects are exhibited (NOAEL).

MCLs are based on (an average height/weight) adults over a 70-year lifespan—not broken down for other populations such as children. (OW is also considering changing

the average weight from 70 Kg to 76 Kg.) There are legally enforceable standards and reflect chronic RfDs. She noted that pesticide contacts are made through many avenues; however, the Office of Water assumes 20% comes through drinking water. MCLs are hard to establish.

HALs were instituted as guidelines but they are not legally enforceable. HALs can also be calculated for shorter time periods such one day, ten days, or over a lifetime. Catherine cited a 1989 publication discussing Drinking Water Health Advisories and she will provide the official title and other access information.

DWLOCs are not regulatory—and can vary as exposure changes. She noted that this is based on the “risk cup” discussed in the Food Quality Protection Act of 1996. This risk cup is an aggregate exposure to pesticides based on food, water, etc. Food is “measured” first and whatever remains would be available from water. DWLOCs are not static; if a registrant adds a new use—they must recalculate the risk cup. DWLOCs can be more accurate than other because you can actually calculate the amounts of exposure. You can also calculate an acceptable daily concentration in drinking water for specific populations. EPA may be phasing out the use of DWLOCs as this information is not used on the pesticide label.

Catherine recommended that the Committee use MCLs, then HALs, then RfDs in the Idaho PMP rule making. HALs are acceptable, although EPA does not use them under the Safe Drinking Water Act for enforcement.

The next meeting was scheduled for December 11 from 1-4 pm. This meeting was cancelled.

The meeting adjourned at 12:00 noon.